Previous references.
Ch 4 of 85

190

(Ch.)

File No. 86

Serial Nos. 1-7

Later references.
Ch 5 of 87

Q. 14

GENERAL AND REVENUE SECRETARIAT.

Confidential

Serial Nos. 1-7.

~~Part B.~~ for October 1887

SUBJECT.

Attendance of Medical officers as witnesses in Courts.

Sl. 1

From the Senior Surgeon.
No. 237 Dt 7-2-1887

Recommends that the magistrates may be instructed not to take Hospital Staff for in charge of local dispensaries further away from their jurisdiction

2

To the Dy. Comrs. of Districts

No. 7651-8 / 254 Dt 9-2-87

Forwards copy of letter above for information and communication to ~~their~~ Sub-ordinate Magistrates.

3 From

The Senior Surgeon.

No. 814 Dt 14-6-87

Forwards certain correspondence for such notice as may be considered necessary.

4 From

The Senior Surgeon.

No. 881 Dt 1-7-87

Forwards for disposal a letter from the Civil Surgeon, Kadur, re-the length of time for closing dispensaries in consequence of his going long distances to give medical evidence.

The Ch: Judge Mysore

No. 1821/14 5-7-87

Requests that Medical officers whose evidence is required in sessions cases may ~~be~~ not be needlessly detained

5. From

The Ch: Judge Mysore

No 3917/56 Dt 22-7-87

Forwards ~~copies~~ copy of Sl 2 above with a letter addressed to Session Judges and Dist. Magistrates.

7. To

The Senior Surgeon.

No. 2624/28 Dt 20-10-87

passes orders that Medical officers appearing as witnesses in Courts

to Chickballapur - traders

Mail

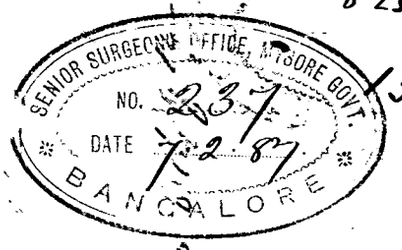
8/2/87

(General Serial No. 29.)

1887.

B 230.

From



136

To

The Chief Secretary to the Dewan of Mysore.

Dated 1/7/87

Despatched 8/7/87

Received

Enclosures, No.

General No. } 188 —8
No. C }

Sir,

9/2/87

I have the honor to recommend that some general suggestions may be made to magistrates particularly district and Sub-Division Officers, not to take Hospital Assistants in charge of Local Fund dispensaries further away from their dispensaries, or detain them longer for the purpose of giving evidence than they can possibly help.

There are instances, it appears to me, in which, with a little more forethought, the magistrate might take the evidence of the Hospital Assistant nearer

Forward Supdt's & Dy Comrs & Sub Registrars for info with a request that delay arrangements may be made to meet the wishes of the Government so much as possible -

BLR.

8/2/87.

9/2

to the head quarters of the latter than he does and if this were done in all cases dispensaries would be closed for shorter periods, and the travelling expenses of Hospital Assistants would be less than at present.

I have the honor to be
Sir
Your most obedient Servant

Senior Surgeon in C.

4 Draft

(General Serial No. 31.)

188

From Circular

To The Deputy Comr.

Dated 14/2/87

Despatched

Received

Enclosures No.

General No. 7651-8

No. ~~345~~ 254

Letter No: 237 of 7/2 wst: from the Senior Surgeon, recommending that Magistrates may be instructed not to take Hospital assts in charge of local dispensaries, further enquiry from them desirable

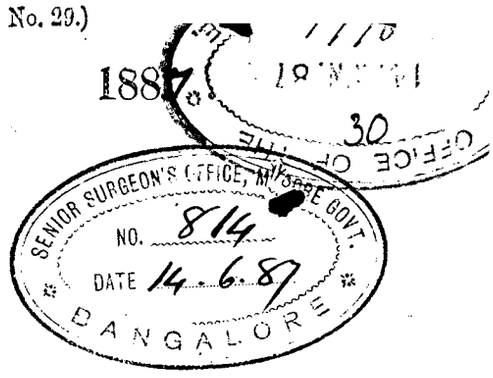
9/2/87

Circ

Copy of the foregoing is forwarded to the Dy: Comr: of ——— for information & comment to his subordinate Magistrates with a request that arrangements may be made to meet the wishes of the Senior Surgeon as much as

General Serial No. 29.)

188 7



From

To

The Chief Secretary to the Dewan of Mysore.

Dated

Despatched

Received

Enclosures No /

General No. / *No.* } 188 7.

Sir,

In continuation of the 8230 office no. 237 of the 7th February last, I have the honor to forward the enclosed correspondence for such notice as may be considered necessary.

I have the
Sir
Your most o

Sect

Letters No 116 of 10th June/87 from the Civil Surgeon Mysore
Ltr no 29 of 6th June from the Hospital assistant, French Rocks.

2202.

4th 1887.

32

Y
No. 7

Subd

The Chief Court is against the Revenue being heightened in Kadur.
Attempt has been stated on the previous page from the Senior Surgn, & the Chief Judge requesting that the Courts may be instructed not to delay the return of the Medical Offrs. R.V.
2.7.

SENIOR SURGEON'S OFFICE, MYSORE GOVT.
NO. 881
DATE 1.7.87
BANGALORE

From

The Chief Secretary to the Dewan of Mysore.

Dated

Despatched 5-7-86

Received

Enclosures No. 1

General No. / No. } 1887.

To the Samuels, 2628 8-6-86

No 870 27-6-87.

I have the honor to forward for disposal a letter from the Civil Surgeon Kadur regarding the length of time it is necessary to close dispensaries in the district in consequence of the Hospital Assistants being alleged to go long distances to give medical evidence in Superior Courts.

The Annual Report on Dispensaries, which will be submitted in a few days will show that in several Cases dispensaries are shut for a great many days in the year because of the absence of the Hospital Assistants on these duties. I draw your attention to this matter in this Office No 2307 of the 8/2/30 7th February last. —

I have the honor to be,

Sir,

Your most Obedt Servant

[redacted]

Senior Surgeon Supdt Gaol

DF

6

No 1821
14

Office of the Dewan of Mysore
Bangalore, 5th July 1887.

SECTION C & O
FILE NO. 5 of 86
SERIAL No. 5

V. Sheshadri Iyer Esqre, C. S. I.
Dewan of Mysore.

To

C. G. Plumer Esqre
Chief Judge in Mysore

Sir,

I have the honor to forward herewith in original the marginally noted letters from the Senior Surgeon for your information and such action as the Chief Court may consider desirable.

2. It is an undoubted fact that much public inconvenience is caused by the withdrawal of medical men from their stations and the consequent closing of local dispensaries, & I shall be obliged by your instructing the subordinate Courts to detain the medical witnesses the least number

1

× 1. Letter No. 237 dt. 7th "
2. Letter No. 814 dt. 14th June 1887, with enclosures
3. Letter No. 881 dt. 1st July 1887 with its enclosure.

of days possible, and to send them back with a memo ~~from the Court~~ shewing the number of days they ~~Officers~~ were detained, ~~with Explanation of delay in cases of detention exceeding one day.~~ I feel confident that you will concur with me in the necessity of some such step, so as to reduce to a minimum the public inconvenience of closing Dispensaries.

3. It would perhaps be desirable to call the attention of Committing Magistrates to Section 509 of the Criminal Procedure Code, and to direct them that, except in exceptional cases, medical witnesses should not be bound over to give evidence at the Sessions Court, leaving it to the Sessions Court to summon such witnesses whenever it considers it necessary, in the ends of justice, to examine them.

I have the honor to be,
Sir,
Your Most obedient Servant,

M. 5.7.87
Dewar

1887.

Medical

Dated 5 July

Dep^t

Dir^r & Jail Offrs

No 1021/14.

Re requesting that Medical Officers whose evidence is required in Lessons cases may not be needlessly detained

A 3719
56.

6

7

Bangalore 22nd July 1887.

From.

C. G. Plumer Esquire
Chief Judge of Mysore.

S. No. B.
File No. 5-a/88
Serial No. 6

To,
The Dewan to His Highness
the Maha Rajah of Mysore

Sir,

In reply to your letter No. 182/14 of the 5th instant, (Enclosures returned) I have the honor to forward copy of a Circular letter addressed to all Sessions Judges and Magistrates, instructing them to avoid, as much as possible, detaining Medical Officers, when appearing as witnesses before their Courts.

I have the honor to be
Sir,
Your most obt Servt

C. G. Plumer
Chief Jude,

JM

In the Chief Court of Mysore.

Criminal Side.

Circular letter No. 70 dated 22nd July 1887.

To

All Sessions Judges
and Magistrates

Sir,

It has been brought to notice that great inconvenience has been caused by Medical Officers, who have been compelled to attend the Courts of Magistrates and Sessions Judges, having been detained there an unnecessarily long time. There is reason to believe that the evidence of a Medical Officer is sometimes taken, when not actually required for the ends of Justice. In all murder cases, where the corpse is forthcoming, Post-

=mortem Examination by a Medical Officer is held, and in all those cases it seems imperative on the Magistrates, unless the accused pleads guilty, to examine the Medical Officer. This should be avoided.

Medical Officers should not, un-
-less when absolutely necessary, be bound over by committing Magistrates to attend Courts of Sessions. In the great majority of committed cases, the procedure laid down in Clause 1 Section 309 Criminal Procedure Code may, with advantage, be followed. The Sessions Judge can always summon the Medical Officer, if he wishes to do so. In all cases in which a Medical Officer is a witness, Magis-
=trates and Sessions Judges should make a point of examining him as soon as

possible

10

possible, so as to avoid all unnecessary detention.

I have &c.

P. J. L. Arantzamendi Esqr.

Registrar

Copy

Registrar

pj

(General Serial No. 31.) Draft

1887.

From

To The Senior Surgeon

Section Chs

File No 5-a-86

Serial No 7

Dated 9/8/87

Despatched

Received

Enclosures No. 4

General No. 2628

No. 28

Yr letter No: 681 of
1st instno.

Has the honor
to forward herewith
for information
copy of the Chief
Court's Circular
to all Sessions
Judges & Magistrates,
instructing them to
avoid, as much
as possible, detaining
Medical Officers, when
appearing as witnesses
before those Courts.
Copy Endo referred to

1887.

GOVERNMENT OF MYSORE.

JUDICIAL.

PROCEEDINGS.

Dated 9th August 1887.

deap 20-10-87

No. 2628.
28.

Medical officers appearing as witnesses in Courts not to be needlessly detained.

Mysore Government Press, Bangalore.—14-10-87.—80.

Senior Surgeon 10
Others usual distribution 16
26

Proceedings of the Dewan to His Highness the Maharaja of Mysore, (Judicial),—dated 9th August 1887.

READ THE FOLLOWING PAPERS:—

From K. Sheshadri Iyer, Esquire, C. S. I., Dewan of Mysore, To C. G. Plumer, Esquire Chief Judge in Mysore, No. 1821—14, dated 5th July 1887.

I have the honor to forward herewith in original the marginally noted letter the Senior Surgeon for your information and such action as the Chief Court may consider desirable.

1. Letter No. 237, dated 7th February 1887.
2. Letter No. 814, dated 14th June 1887, with enclosures.
3. Letter No. 831, dated 1st July 1887, with its enclosure.

2. It is an undoubted fact that much public inconvenience has caused by the withdrawal of Medical men from their stations and the consequent closing of local Dispensaries, and I shall be obliged by your instructing the subordinate Courts to detain the Medical witnesses the least number of days possible, and to send them back with a memo showing the number of days they were detained. I feel confident that you will concur with me in the necessity of some such step, so as to reduce to a minimum the public inconvenience of closing Dispensaries.

3. It would perhaps be desirable to call the attention of committing Magistrates to Section 509 of the Criminal Procedure Code, and to direct them that, except in exceptional cases, Medical witnesses should not be bound over to give evidence at the Sessions Court, leaving it to the Sessions Court to summon such witnesses whenever it considers it necessary, in the ends of justice, to examine them.

From C. G. Plumer, Esquire, Chief Judge of Mysore, To the Dewan to His Highness the Maharaja of Mysore, No. 3719—56, dated 22nd July 1887.

In reply to your letter No. 1821—14 of the 5th instant (enclosures returned), I have the honor to forward copy of a Circular letter addressed to all Sessions Judges and Magistrates, instructing them to avoid, as much as possible, detaining Medical officers, when appearing as witnesses before their Courts.

CIRCULAR LETTER No. 70, DATED 22ND JULY 1887.

It has been brought to notice that great inconvenience has been caused by Medical officers, who have been compelled to attend the Courts of Magistrates and Sessions Judges, having been detained there an unnecessarily long time. There is reason to believe that the evidence of a Medical officer is sometimes taken, when not actually required for the ends of justice. In all murder cases, where the corpse is forthcoming, *post-mortem* examination by a Medical officer is held, and in all those cases it seems imperative on the Magistrates unless the accused pleads guilty, to examine the Medical officer. This should be avoided.

Medical officers should not, unless when absolutely necessary, be bound over by committing Magistrates to attend Courts of Sessions. In the great majority of committed cases, the procedure laid down in Clause 1, Section 509, Criminal Procedure Code, may, with advantage, be followed. The Sessions Judge can always summon the Medical officer, if he wishes to do so. In all cases in which a Medical officer is a witness, Magistrates and Sessions Judges should make a point of examining him as soon as possible, so as to avoid all unnecessary detention.

No. 2628—28, DATED 9TH AUGUST 1887.

ORDER.—Copy forwarded to the Senior Surgeon to the Mysore Government with reference to his No. 881 of the 1st July 1887

P VIJAYINDRA RAC
Chief Secretary.

To—The Senior Surgeon, Mysore Government.